

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MALIBU MEDIA, LLC,	:	
	:	Case No. 1:18-cv-01924-RA
Plaintiff,	:	
v.	:	<b><u>CASE MANAGEMENT PLAN</u></b>
	:	<b><u>AND SCHEDULING ORDER</u></b>
SEBASTIAN WINTERMUTE,	:	
	:	
Defendant.	:	
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RONNIE ABRAMS, United States District Judge:		

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management Plan and Scheduling Order;

1. All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. The parties have not engaged in settlement discussions.
3. This case is to be tried to a jury.
4. No additional parties may be joined after February 4, 2019 without leave of the Court.
5. No amendments to pleadings may be made after February 4, 2019 without leave of the Court.
6. Initial disclosures pursuant to Rule 26(a)(1) shall be completed no later than January 18, 2019. [*Absent exceptional circumstances, within fourteen days of the date of the parties' conference pursuant to Rule 26(f).*]
7. All fact discovery is to be completed no later than May 6, 2019. [*A period not to exceed 120 days unless the case presents unique complexities or other exceptional circumstances.*]
8. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth

in ¶ 7 above.

- a. Initial requests for the production of documents shall be served by January 18, 2019.
  - b. Interrogatories shall be served by January 18, 2019.
  - c. Depositions shall be completed by May 6, 2019.
  - d. Requests to Admit shall be served no later than March 1, 2019.
9. All expert discovery, including disclosures, reports, production of underlying documents, and depositions shall be completed by October 7, 2019.
  10. All discovery shall be completed no later than November 7, 2019.
  11. The Court will conduct a post-discovery conference on \_\_\_\_\_ at \_\_\_\_\_. ***[To be completed by the Court.]*** No later than one week in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party intends to file a dispositive motion and what efforts the parties have made to settle the action.
  12. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 6 of the Court's Individual Rules and Practices shall be due thirty (30) days from the close of discovery, or if any dispositive motion is filed, thirty (30) days from the Court's decision on such motion. This case shall be trial ready sixty (60) days from the close of discovery or the Court's decision on any dispositive motion.
  13. Counsel for the parties propose the following alternative resolution mechanism for this case:
    - a. \_\_\_\_\_ Referral to Magistrate Judge for settlement discussions
    - b. \_\_\_\_\_ Referral to the Southern District's Mediation Program
    - c. \_\_\_\_\_ Retention of a private mediator.

The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

The parties hereby stipulate that appearance of Plaintiff's, Malibu Media, LLC, general counsel at mediation by telephone, is sufficient to satisfy the personal appearance requirement of Plaintiff at mediation as Plaintiff's General Counsel is a representative of Plaintiff with ultimate authority to settle, and Plaintiff's local counsel will be appearing in person at the mediation.

14. The parties have conferred and their present best estimate of the length of trial is four (4) days.

SO ORDERED.

DATED: \_\_\_\_\_

New York, New York

\_\_\_\_\_  
Ronnie Abrams  
United States District Judge